

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES  
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard  
L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE HEBREW UNIVERSITY OF JERUSALEM, YISSUM  
RESEARCH DEVELOPMENT COMPANY OF THE  
HEBREW UNIVERSITY OF JERUSALEM LTD., BEN-  
GURION UNIVERSITY OF THE NEGEV, B.G. NEGEV  
TECHNOLOGIES AND APPLICATIONS LTD., THE  
WEIZMANN INSTITUTE OF SCIENCE, and BAR ILAN  
UNIVERSITY,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 21-01190 (CGM)

**DECLARATION OF PROFESSOR IRUN COHEN IN SUPPORT OF  
MOTION TO DISMISS COMPLAINT**

I, Irun Cohen, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am Professor Emeritus in the Department of Immunology at the Weizmann Institute of Science (“Weizmann Institute”). I have personal knowledge of the facts contained in this Declaration.

**Background**

2. I have previously held the following positions, among others: Director, Robert Koch-Minerva Center for Research in Autoimmune Diseases, Weizmann Institute (1993-2001); Director, Center for the Study of Emerging Diseases, Jerusalem (1997-2001); Member, Committee for Planning Future Needs for Medical Graduates, The Council for Higher Education (“CHE”), Israel (2001-2003); Executive Director, The National Center for T-Cell Vaccination (2000-2009); Member, Executive Committee, The National Center for Complexity Science (2002-2010); and Board member and co-initiator, IVRI – Israel Vaccine Research Initiative (2008-2010).

**Yeshaya**

3. In or around 1997, I was invited by Professor Henri Atlan of Hadassah University Medical Center to join the Yeshaya Horowitz Association (“Yeshaya”) and participate in the Yeshaya committee that evaluated grant applications for scientific projects. Professor Atlan and I had authored scholarly articles together and he inquired whether I would be interested in evaluating scientific projects for Yeshaya, which I understood to be a charitable organization that provided grants to Israeli scientists and institutions.

4. I did not participate in the creation of Yeshaya. I joined Yeshaya to advance scientific research that I believed to be important. Weizmann Institute did not appoint me to

Yeshaya, nor did I act as a representative of Weizmann Institute. Additionally, at the time I joined Yeshaya, because I was not appointed on behalf of the Weizmann Institute, I did not take steps to inform the Weizmann Institute of my role at Yeshaya or seek the Weizmann's Institute's permission to be involved with Yeshaya.

5. During my tenure, I proposed to Yeshaya that it invite Professor Shimon Ullman, whom I knew from my work at Weizmann Institute, to join Yeshaya. The Yeshaya board offered membership in Yeshaya to Professor Ullman. To my knowledge, Professor Ullman joined Yeshaya in his personal capacity and not as an appointee of Weizmann Institute or another institution.

6. The members of Yeshaya convened a few times a year and, during those meetings, Yeshaya's legal counsel, Adv. Yair Green, informed the members of the annual budget that was available for research. While I served at Yeshaya, I participated in evaluating projects for funding by Yeshaya, but I did not have authority myself to direct funding of projects. The decision whether to fund projects was ultimately made by Yeshaya's membership as a whole. I was not involved in evaluating research projects in which I was personally involved.

### **CSED**

7. I also proposed to the board members of Yeshaya that we identify scientific questions in the field of emerging diseases (such as AIDS, Ebola, and multidrug-resistant tuberculosis) and initiate and encourage research in those areas. In 1997, Yeshaya formed the Center for the Study of Emerging Diseases (the "CSED"), which operated until 2007.

8. The CSED board was initially composed of individuals including Professor Ephraim Katzir (the former President of Israel), Professor Bracha Rager of Ben Gurion University, and myself.

9. The CSED evaluated applications for research project grants based on factors including the relevance of the application to the field of emerging diseases, the quality of the application, and the likelihood that the application could develop additional avenues of research. The CSED generally operated by consensus – the CSED board as a whole, rather than any one individual, had to review and approve grant applications.

10. The CSED was a professional organization and sought to avoid conflicts of interest. The CSED board often consulted with outside experts regarding grant applications, including prominent scientists outside Israel. In addition, when I submitted a grant application for research that I conducted, I was not involved in evaluating the application. As the director of CSED, it was my duty to write formal letters to grant recipients informing the recipients of the status of their grant applications, regardless of whether I had participated in evaluating the grant. To the extent I sent letters on behalf of CSED regarding grants for research in which I would personally participate, others at CSED would have reviewed the grant proposals before I sent the letters.

11. After the CSED reviewed grant applications, the applications were sent to Yeshaya for ultimate approval. The CSED's role was to review applications for research grants and to make recommendations to Yeshaya. Yeshaya had ultimate authority over the funds and made the final decision on approving applications and granting funds.

#### **Inspection Committee**

12. In addition to my roles at Yeshaya and at the CSED, I also served on Yeshaya's Inspection Committee between the years 2001-2008. In that role, I was required to meet once a year with Yeshaya's accountant (Maurice Azoulay), who would review Yeshaya's financial position and inform us whether Yeshaya's financial affairs were in order. To the best of my

recollection, Yeshaya's accountant did not raise any material issues or concerns regarding Yeshaya's financial affairs. To the best of my recollection, Yeshaya's accountant also did not discuss with us the source of Yeshaya's funding and did not disclose to us the identity of the anonymous donor behind Yeshaya, and I did not ask about the source of Yeshaya's funds.

**Ben Gurion University**

13. Between October 2004 and June 2006, I was a consultant for Ben-Gurion University of the Negev ("Ben-Gurion") acting as director of the National Center for Biotechnology. At this time I had already joined Yeshaya and was not acting at Yeshaya as a representative of Ben-Gurion. I did not take any steps to inform Ben-Gurion that I was a member of Yeshaya and I did not seek Ben-Gurion's permission.

**Madoff**

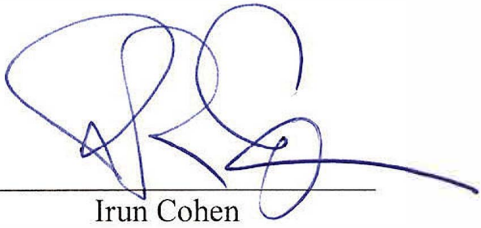
14. I never knew Bernard Madoff. I had never heard of Bernard L. Madoff Investment Securities or Magnify, Inc. until the Bernard Madoff fraud was revealed. I did not know where Yeshaya's funds were invested or who provided them.

15. Prior to the revelation of the Bernard Madoff fraud, I did not have knowledge regarding the source of Yeshaya's funds. I understood that an anonymous donor, had granted funding to Yeshaya.

16. The Complaint, in Paragraph 234, alleges that I approved Yeshaya's financial statements, and that these statements report that securities, comprising the majority of Yeshaya's funds, were managed by a U.S. broker and traded on the U.S. Stock Exchange. I do not recall focusing on or discussing that language in the financial statements. Furthermore, prior to the revelation of the Bernard Madoff fraud, I had no knowledge regarding the identity of the U.S.

broker that managed these securities. I also had no knowledge of how Yeshaya obtained funding for particular research grants, or of particular redemptions by Yeshaya from BLMIS.

Executed on February 9, 2022  
Rehovot, Israel



Irun Cohen